

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THOMAS O. DAAKE, SR. and
ADELE Z. DAAKE,

Plaintiffs,

v.

AUTO-OWNERS INSURANCE COMPANY,

and

RODGER M. HUFF, II,

and

FIVE STAR INSURANCE AGENCY, INC.,

Defendants.

No. 4:15-CV-651 RLW

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Auto-Owners Insurance Company (Mutual)'s Motion to Dismiss Plaintiff's Amended Petition (ECF No. 13) pursuant to Mo. R. Civ. P. 55.27(a).¹ In response, Plaintiffs noted that Defendant's Motion to Dismiss includes no substantive discussion of the merits of its motion and does not include a supporting memorandum, as required under E.D.Mo. L.R. 4.01(A).

The Court agrees that Defendant has failed to provide any substantive basis for its Motion to Dismiss and has not complied with local rules. Therefore, the Court denies Defendant's Motion to Dismiss without prejudice.

¹ The Motion to Dismiss was originally filed in State Court prior to removal.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Auto-Owners Insurance Company (Mutual)'s Motion to Dismiss Plaintiff's Amended Petition (ECF No. 13) is **DENIED** without prejudice.

Dated this 13th day of May, 2015.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE